

UNITED STATES DISTRICT COURT FOR
NORTHERN DISTRICT OF NEW YORK

AUTOMOTIVE LIFT INSTITUTE, INC.

Plaintiff,

v.

COMPLAINT

Case No.: 5:17-cv-192 (MAD/ATB)

AUTOMOTIVE COMPLIANCE
CONSULTANTS INC.,

Defendant.

Plaintiff, Automotive Lift Institute, Inc. ("ALI"), for its complaint against Defendant Automotive Compliance Consultants, Inc. ("ACC"), states and alleges as follows:

PARTIES

1. Plaintiff, ALI is a not-for-profit trade association of manufacturers and marketers of automotive lifts throughout North America with its principle place of business in Cortland, New York.

2. Upon information and belief, Defendant ACC is an automotive compliance consulting company with a principal place of business in Crystal Lake, Illinois.

3. Upon information and belief, Defendant is a consulting company which assists automotive retail establishments with compliance to federal automotive regulations.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to the Copyright Law of the United States, Title 17 U.S.C. §§ 101 et. seq., and Title 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction under the New York's Long-arm statute, because Defendant has transacted business in New York State.

6. Venue in this District is proper pursuant to 28 U.S.C. §§ 1391(c) and 1400 (a).

**FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT**

7. ALI repeats, realleges and incorporates by reference the allegations contained in Paragraphs 1 through 6 above as if fully set forth herein and further alleges:

8. ALI designed and produced warning labels for the purpose of providing guidance to users in the safe use of automotive lifts.

9. ALI engaged in a rigorous and extensive design process in order to obtain approval from the American National Standards Institute ("ANSI") and other entities of its warning labels.

10. Said warning labels are available for sale to manufacturers and owners of automotive lifts all across North America and are sold throughout North America.

11. ALI has registered said warning labels and has obtained the following Certificates of Copyright Registration from the Registrar of Copyrights:

- i. Copyright Registration No. VA0000634764
- ii. Copyright Registration No. VA0000634765
- iii. Copyright Registration No. VA0000634766
- iv. Copyright Registration No. VA0000634767
- v. Copyright Registration No. VA0000634768
- vi. Copyright Registration No. VA0000634769

12. ALI is the sole owner of all rights, title, and interest in and to U.S. copyright Registration Nos. VA0000634764, VA0000634765, VA0000634766, VA0000634767, VA0000634768, VA0000634769.

13. Upon information and belief Defendant has made available to its clients warning labels that are identical to ALI's copyright protected labels with the only difference

being that Defendant had removed ALI's copyright from the warning labels and replaced it with ACC's logo.

14. Upon information and belief, by the acts alleged herein, Defendant has directly infringed Plaintiff's copyright.

15. By correspondence dated February 23, 2016, Plaintiff formally notified Defendant that it had infringed upon Plaintiff's rights and demanded that Defendant cease and desist any future infringing activity.

16. Defendant has ignored Plaintiff's request.

17. Defendant's infringement on Plaintiff's copyright has caused irreparable injury and damages.

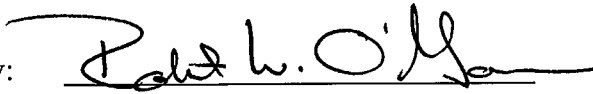
PRAYER FOR RELIEF


WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- A. That Defendant, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them, be enjoined from infringing upon Plaintiff's copyright protected materials pursuant to 17 U.S.C. § 502.
- B. That Defendant be required to pay Plaintiff such damages and profits as provided in 17 U.S.C. § 504 including statutory damages, or actual damages suffered by Plaintiff, or Defendant's profits attributable to its infringement.
- C. That Defendant be required to pay Plaintiff the costs and disbursements of this action, together with reasonable attorneys fees, as provided by 17 U.S.C. § 505.
- D. Awarding Plaintiff all such other and further relief including exemplary damages as this Court will deem just in this action.

Dated: December 19, 2016

AUTOMOTIVE LIFT INSTITUTE, INC.

By: 
Robert W. O'Gorman


Sharon M. Sulimowicz, Esq.
Attorney for Plaintiff
M&T Bank Building/TC3 Tioga Place
118 North Tioga Street, Suite 202
Ithaca, New York 14850
(607) 256-0727

SHARON M. SULIMOWICZ
ATTORNEY AT LAW
118 NORTH TIOGA ST.
SUITE 202
ITHACA, NEW YORK 14850
(607) 256-0727

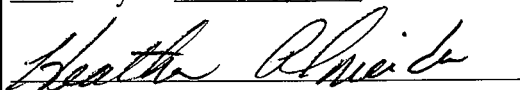
VERIFICATION

STATE OF NEW YORK }
COUNTY OF CORTLAND} ss:

I, ROBERT W. O'GORMAN, being duly sworn, depose and say: I am the _____
President of Automotive Lift Institute, Inc., the Plaintiff in this action; I have read the
foregoing Complaint and know the contents thereof; the same is true to my own
knowledge, except as to the matters therein stated to be alleged upon information and
belief, and as to those matters I believe them to be true.


ROBERT W. O'GORMAN

Sworn to before me this
19 day of DECEMBER, 2016.


Notary Public

